

**GOVERNMENT OF ANDHRA PRADESH**  
**ABSTRACT**

Tribal Welfare Department – CV - Appeal Petition filed by Smt. Baravathula Saraswathi W/o M.Mohan Rao, R/o Quarter No.3/4, AU Teacher Quarters, Siripuram Visakhapatnam District – filed Under Section 7 of Act 16 of 1993, against the Proceedings of the Collector, East Godavari, District, Dated: 9-10-2007 - Appeal Rejected – Orders –Issued.

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**SOCIAL WELFARE (CV.2) DEPARTMENT**

G.O.Ms.No.141

Dated:14-7-2008.  
Read the following:-

- 1.Proceedings of the Collector, East Godavari District, Ref.C6(M)/77/02, Dated: 9-10-2007.
- 2.Appeal Petition filed by Smt. Baravathula Saraswathi W/o M.Mohan Rao, R/o Quarter No.3/4, AU Teacher Quarters, Siripuram Visakhapatnam, Dated:22-12-2007.
- 3.Govt. Memo No.55/CV.2/2008-1, Dated: 17-1-2008.
- 4.From Collector, Kakinada, East Godavari District, Ref.C6(M)125/08, Dated:19-3-2008.
5. Govt.Memo No.55/CV.2/2008, Dated: 2-5-2008.

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**ORDER:**

Smt. Baravathula Saraswathi W/o M.Mohan Rao, has filed appeal petition before the Govt. against the Proceedings, dated 9.10.2007, issued by the District Collector, East Godavari, for cancellation of her ST “ Kondakapu ” Caste Certificate, and submitted the following grounds:

1. The respondent failed to consider the case of the appellant in the correct perspective and assess the case independently.
2. The respondent erred materially in canceling the certificate only on the basis that Smt. B.Varalakshmi who belongs to Kondakapu, her certificate was cancelled by the Tahsildar by proceedings dated:12-10-1994 holding that the said B.Varalakshmi being the sister of the appellant.
3. The respondent failed to see that the said B.Varalakshmi approached the Hon'ble High Court of A.P. against the proceedings issued by the Tahsildar canceling her certificate and the Hon'ble High Court of A.P. in W.P. No.19557 of 1994 dated:9-12-2004 has set aside the order passed by the first respondent therein and directed the competent authority to conduct a detailed enquiry in accordance with law by providing reasonable opportunity to her and therefore the respondent ought not to have relied upon the cancellation of the status of B.Varalakshmi which is pending adjudication and which has not become final.
4. The respondent failed to see that the with drawl register of Z.P.S.S. (Girls), Burgampahad in which the appellant studied class 2<sup>nd</sup> to class 10<sup>th</sup> during the years 1962 to 1970, the caste column relates to the candidate was kept blank. He failed to see that there is not such column in the withdrawal register indicating the caste column. Like wise the T.C. issued by the Head Master, Z.P.S.S (Girls) Burgampahad there is not such column to indicate the caste of the concerned student.
5. The respondent failed to see that simply because the appellant was not exempted from payment of fees, she does not belongs to any reserved category.

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6. The respondent failed to see that the DLSC. has not followed procedure contemplated under Rule 8(5) of the A.P. SC, ST &BCa Rules 1997. The concerned certificates were directly received by the respondent from the Andhra University with a covering letter dated:18-8-2997 and the impugned order was passed without considering the said documents.
7. The respondent simply extracted the opinion of the DLSC. and came to a conclusion that she does not belong to the Kondakapu Community.
8. The respondent erred materially in holding that the certificates sent by the Andhra University were tampered.
9. The reasoning of the respondent is erroneous, unjust and the said order is vitiated thereby.

2). Govt. has obtained the parawise remarks and connected records from District Collector, East Godavari, through the letter 4<sup>th</sup> read above. The remarks of the District Collector, East Godavari against the grounds of the appellant, are that:

1. It is not true to say that the respondent failed to considered the case of appellant. The appellant was given adequate opportunity and time to produce documentary evidence in support of her caste claim. But the appellant failed to utilize the opportunity and not submitted any valid documentary evidence i.e Birth Certificate or her parents Birth Certificate except School Record.
  2. It is not true to say that the orders are passed in canceling the certificate only on the basis of the cancellation of certificate of Baravathula Vara Laxmi. After conducting detailed enquiry as per the procedure laid down under Act 16/93 and after through verification of the documents filed by the appellant in DLSC, her caste certificate was cancelled.
  3. As verified from the Admission Register and Withdrawals register of Burgampahad the caste column at Sl.No.15 it is kept blank.
  4. It is true that any student of reserved category is exempted from payment of school fee. As she does not belong to any reserved category, she has paid school fees.
  5. It is not true that the DLSC. failed to follow the procedure contemplated U/r 8(5) of the A.P. SC/ST and BCs Rules, 1997, Orders were passed by the District Collector, after thorough enquiry in DLSC. as well as at their native places and after verification of documents filed by the appellant before the DLSC.
  6. It is not true that the respondent extracted only the opinion of the DLSC. and came to a conclusion that she does not belongs to Konda Kapu community. She was given adequate time to produce valid documentary evidence but she failed to produce any documentary evidence.
  7. In the SSLC. Register the word ST is added and the caste is not clearly visible. As detailed in the paras supra the reasons found for cancellation of caste certificate are genuine and based on documentary evidence.
- 3) The case was posted for personal hearing on 9.5.2008 at 3.00 p.m. The Counsel for the petitioner was present and submitted written arguments.
- 4) On careful examination of the grounds for appeal, written arguments of the counsel for the appellant, Enquiry Report of the Director, TCR & TI, Hyderabad, recommendations of the DLSC., orders of the District Collector and other material of file, it is found that:
- 1.The appellant duly admitted that she obtained a caste certificate from the Tahsildar, Kakinada dated:14-5-1981 based on her (X) SSC Register which certified her caste and the Andhra University authorities issued appointment orders basing on the said certificate. She subsequently submitted her original SSC Book, B.A., Transfer Certificate (in original) to the Andhra University.

2. The Registrar, Andhra University submitted the following certificates to the District Collector, E.G. District Kakinada enclosed to his letter No.S.III(1)/7117/83, dated:18-8-2007, which were submitted by the appellant in connection with her appointment in Andhra University.
  - a. Certificate (Original) issued by the Head Master, Zilla Parishad Girls Secondary School, Burgampahad, Khammam District 9-9-1971 certifying that the appellant was a student of that school and she belongs to 'Kondakapu' ST caste as per Zilla Parishad Girls Secondary School records.
  - b. Original Secondary School Certificate (SSLC Register Book) issued by the Head Master, Zilla Parishad Girls Secondary School, Burgampahad, Khammam district wherein against the column Nationality, Religion, caste, it is recorded as Indian Hindu, ST. But the Caste / Community name is not legible and clearly appears it is tampered / manipulated.
  - c. A True copy (typed) of community Certificate said to be issued by the Tahsildar, Kakinada, certifying that the appellant belongs to Kondakapu community, which is recognized by the Government of A.P., as one of the STs as per G.O.Ms.No.1793, Educational, dated:23-9-1970.
  - d. Transfer Certificate (original) of the Appellant issued by the Principal, A.S. Government College for Women, Kakinada, dated:2-8-1977 wherein against the column Nationality, Religion or Caste, it is recorded as Hindu, Kondakapu.
3. On careful examination of these certificates which the appellant had produced to Andhra University authorities at the time of her appointment and furnished by the A.U.authorities, it is found that:
  - a. The Community certificate of the appellant dt:14-5-1981 said to have been issued by the Tahsildar, Kakinada is not the original certificate. There is no signature of the Tahsildar. It is only a typewritten True Copy signed by the Port Officer, Kakinada on 14-5-1981. Though the certificate portion is typewritten the information against State and Date are written with ink as Kakinada and 14-5-1981 respectively. The attesting officer i.e., Port Officer, Kakinada has also signed on the same date i.e 14-5-1981. Further, the G.O.Ms.No.1793, Education, dated:23-9-1970 mentioned in the Certificates does not relate to ST Communities but it relates to BCs. If the certificate is issued by a competent authority, the Constitution (STs) Order, 1950 as amended by the SCs & STs Lists (Modification) Order, 1956 will be mentioned. Thus it is clear that this certificate is a false/fraudulent certificate – not issued by the competent authority and prepared by the appellant or her parents in connivance with the Port Officer, Kakinada. It is not known how the Andhra University authorities accepted this certificate and gave appointment to the appellant? It is also clear except this the appellant has got no other community certificate. But she dragged – on the proceedings while stating that her original community certificate was submitted to Andhra University authorities and to summon them for verification.
  - b. Contention of the appellant that the Extracts of Admission Register of ZPS School Burgampahad where caste column was not there and details of register and Extract are not tallying is not tenable. On verification of the Xerox copies of Admission register and Extracts collected by the Tribal Welfare officials, it is clear that there is no column for the caste entry in the admission register. It is also clear that there is no need for the Tribal Welfare Officials to alter or manipulate the details of Admission Register or Extracts of the same of the appellant or of B.Varalakshmi.

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- c. The entries of caste in the other certificates i.e., the one issued by the Head Master, ZPS School, Burgampahad, T.C issued by the Principal. A.S. Govt. College for Women, Kakinada and in the S.S.C. Register of the appellant (even if the entry as 'Kondakapu' though not legible is as it is) cannot be considered as genuine. Because, there is no caste entry in the Admission Register but it is written in her X Class Register, Certificate issued by Head Master (as per school records) and in the subsequent T.C of the A.S. Govt. College for Women. Thus, it is clear that the appellant or her parents have managed with the school authorities to make her caste entry in the subsequent records of T.C. and SSC Register without mentioning the same in the Admission Register.
- d. When her said to be Community Certificate is a false / fraudulent one, other school records cannot be taken as collateral evidence that too when her caste is not recorded in the admission register of the school where she studied; and
- e. All other contentions of the appellant in the appeal petition or in the written arguments submitted by her counsel dated:13-4-08, are not tenable and do not merit consideration.

5) Therefore, in view of the above facts, and in exercise of the powers conferred under Section 7(2) of Act 16 of 1993, under Rules made there under as per G.O.Ms.No.58, SW (J2)Department, dated 12.5.1997, the appeal petition filed by Smt. Baravathula Saraswathi, W/o M.Mohan Rao, is rejected, upholding the Proceedings of the District Collector, East Godavari, in proceedings No. Ref.C6(M)/77/02, Dated: 9-10-2007.

6) The records received from the District Collector, East Godavari, through the reference 4<sup>th</sup> read above, are return herewith in original to him, and she is requested to acknowledge receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V.NAGI REDDY,  
PRINCIPAL SECRETARY TO GOVT.

To

The District Collector, Kakinada, East Godavari District (WE). Original Record  
File bearing No. R.Dis.C6(M)/77/2002, containing pages 412.

Smt. Baravathula Saraswathi, W/o M.Mohan Rao,  
R/o Quarter No.3/4, AU Teacher Quarters,  
Siripuram, Visakhapatnam District.

Mr.T.S.Anand, &Srinivasa Murthy, Advocates,  
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Beside Petrol Bunk, Himayathnagar Cross Roads, Hyderabad.  
The Director of Tribal Welfare Hyderabad

Copy to:

The PS to Minister, TW Riad./ PS to Prl.Secretary (SW).  
The Registrar, Andhra University, Visakhapatnam.  
The Govt.Pleader (SW), APHC., Hyderabad, (w.r.to W.P.No.1398/08  
for information.)

SF/SC.

//Forwarded::By Order//

SECTION OFFICER.



